

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WILLIAM FRANCIS, JR.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 07-015 JJF
	:	
WARDEN THOMAS CARROLL, et al.,	:	
	:	
Defendants.	:	

O R D E R

WHEREAS, pending before the Court is a Motion For Default Judgment filed by Plaintiff, William Francis, Jr. on August 27, 2007 (D.I. 29);

WHEREAS, Plaintiff contends Defendants, Carroll, Taylor and Talley failed to answer or otherwise defend the above-captioned matter;

WHEREAS, Defendants respond that they have pled and asserted defenses to Plaintiff's claims as required thereby making Plaintiff's motion moot (D.I. 32);


WHEREAS, to the extent Plaintiff asserts defendants' Answer was untimely, the Court as a general rule, favors disposition of issues on the merits rather than procedural defaults;

WHEREAS, the docket reflects that an Answer to Amended Complaint was filed by Thomas Carroll, Stan Taylor, and Joyce Talley on August 20, 2007 (D.I. 28);

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiff's

Motion For Default Judgment (D.I. 29) is **DENIED** as moot.

November 20, 2007  
DATE

  
UNITED STATES DISTRICT JUDGE